

Beiersdorf 723-HCL  
6713-Dr. Wi-ar

1. An oil-in water emulsion comprising an oil phase and a water phase and:
- (a) at least one emulsifier (emulsifier A), chosen from the group consisting of emulsifiers having the following properties
    - their lipophilicity is either dependent on the pH inasmuch as an increase or decrease in pH results in an increase or decrease in lipophilicity, it being unimportant which of the two possibilities of change in the lipophilicity is effected by the increase or the decrease in the pH, and/or
    - their lipophilicity is dependent on the temperature inasmuch as the lipophilicity increases with increasing temperature and their hydrophilicity increases with decreasing temperature,
  - (b) optionally further comprising substances which are soluble or dispersible in the oil phase or the water phase,
  - (c) an effective amount of shea butter to reduce stickiness/greasiness of the oil-in-water emulsion.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

**REMARKS**

Claim 1 has been amended to address the 112, "first" paragraph issues raised by the examiner. Claims 1-11 are still pending. It is believed that no new matter has been added.

**35 U.S.C. 112, first paragraph rejection**

Claim 1 was rejected under 112, first paragraph as not being enabled for the claimed invention. However, the specification describes in detail the applicants claimed invention (which does not appear to be an issue with the examiner). If the applicants understand the examiner's rejection, it was based on the lack of a specific recitation of an oil phase or water phase in claim 1?

Claim 1 uses the open ended term "comprising". While there are some reasonable limits as to

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**CLEAN COPY OF CLAIM 1 SHOWING AMENDMENTS MADE**

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    - their lipophilicity is dependent on the temperature inasmuch as the lipophilicity increases with increasing temperature and their hydrophilicity increases with decreasing temperature,
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  - (c) an effective amount of shea butter to reduce stickiness/greasiness of the oil-in-water emulsion.